

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

2
3 **ORDINANCE NO. O-31-02 Amended**

4
5 **Introduced by Mayor Moyer**
6 **Alderman Cohen**
7

8
9 **AN ORDINANCE** concerning

10
11 **The Harbor Master and Harbors and Waterfront Areas**
12

13 **FOR** the purpose of repealing Annapolis City Code, Chapter 2.28, *Harbor Master* and
14 adding new Annapolis City Code, Section 2.12.060, *Harbor Master*, to relocate
15 provisions relating to the harbor master within Chapter 2.12 “Mayor” and to clarify
16 the authority of the harbor master; amending Annapolis City Code, Title 15, *Harbors*
17 *and Waterfront Areas*, to specify the authority of the harbor master, to clarify
18 activities allowed in City Waters, to increase fines for violations of Title 15, and to
19 clarify enforcement procedures; and matters generally relating to said chapter and
20 title.
21

22 * * * * *

23
24 **BY** adding new
25 Title 2
26 Chapter 2.12
27 Section 2.12.060
28 Code of the City of Annapolis
29 (1996 Edition and Supplement)
30

31 **BY** repealing in its entirety
32 Title 2
33 Chapter 2.28
34 Code of the City of Annapolis
35 (1996 Edition and Supplement)
36

37 **BY** repealing and re-enacting, with amendments
38 Title 15
39 Code of the City of Annapolis
40 (1996 Edition and Supplement)
41

42 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
43 **COUNCIL** that the Code of the City of Annapolis shall read as follows:
44
45

Chapter 2.12
Mayor

Sections:

- 2.12.010 Office.**
- 2.12.020 Powers and duties.**
- 2.12.030 City administrator.**
- 2.12.040 City attorney.**
- 2.12.050 City clerk.**
- 2.12.060 Harbor master.**

Sec. 2.12.060 Harbor master.

A. The harbor master shall be appointed by the mayor and shall meet the qualifications set forth in the job description for the harbor master under the civil service system.

B. Under the supervision and direction of the mayor, the harbor master shall have the following powers and duties:

1. supervise City waters, including public moorings and docks, and the maintenance thereof;
2. manage the City dock;
3. issue docking, mooring and anchoring authorizations consistent with City Code, Title 15;
4. ensure appropriate use of street end parks by owners and those in charge of small vessels, which includes, but is not limited to canoes, dinghies, kayaks;
5. supervise the harbor master's staff and all patrol vessels, facilities and equipment assigned to that office. All patrol vessels shall be used only for the enforcement of City Code, Title 15 and carry appropriate markings, lights and signals;
6. enforce Title 15 and issue municipal infraction citations in the enforcement of Title 15, in accordance with the Annotated Code of Maryland, Article 23A, § 3;
7. cooperate with all appropriate law enforcement agencies, including the City police department, in the enforcement of the City Code, Title 15, and assume lead responsibility for the enforcement of City Code, Title 15;
8. collect all fees authorized under City Code, Title 15; and

1 9. perform additional duties as enumerated by the mayor from time to time and
2 as may be specified in this code.

3
4 **Title 15**
5 **Harbors and Waterfront Areas**

6
7 **Chapters:**

8 **Division I. Generally**

9
10 **15.02 General Provisions**

11
12 **Division II. City Waters**

13
14 **15.04 Management of City Waters**

15 **15.06 Rules for Vessels and Persons using City Waters and Shores**

16 **15.10 Operation, Anchoring and Mooring of Vessels in City Waters**

17 **15.12 Distressed, Sunken, Damaged, Derelict, Disabled, Neglected or**
18 **Abandoned Vessels or Property**

19 **15.14 Housebarges**

20
21 **Division III. Developable Waterway Area**

22
23 **15.16 Port Wardens**

24 **15.18 Harbor Lines and Setbacks**

25 **15.20 Permits**

26
27 **Division IV. Enforcement**

28
29 **15.24 Enforcement**

30
31 **Division I. Generally**

32
33 **Chapter 15.02**
34 **General Provisions**

35
36 **Sections:**

37 **15.02.010 Purpose.**

38 **15.02.020 Applicability.**

39 **15.02.030 Definitions.**

40 **15.02.040 Nonliability of the city.**

41

42

Sec. 15.02.010 Purpose.

A. The purpose of this title is to provide regulations for the orderly development, control and management of the waterways, structures installed in the waterways, and associated waterfront areas.

B. This title is not intended to deprive a riparian owner of any right or privilege associated with riparian ownership of land or ownership or use of any fixed and permanent structure in the waterways which lawfully was installed and lawfully in use prior to February 11, 1980. The provisions of this title do not transfer the title or ownership of any waterway or interest in a waterway.

Sec. 15.02.020 Applicability.

A. This title and any rules and regulations adopted pursuant to it apply to, and shall govern, the control of all activities in City waters, including the use and storage of all vessels, the safety and security of City waters, and the construction and use of all marinas, piers, moorings and mooring piles within City waters.

B. The location of shorelines, the location of harbor lines for those areas of the waterways which have been developed, and the provisional location of harbor lines for those areas of the waterways which have not been developed are as shown on the maps entitled "Annapolis Harbor Lines, as adopted by the city council and amended from time to time "Detailed procedures for determining the location of harbor lines are as set forth in Sections 15.18.020, 15.18.030 and 15.18.040. The maps and all notations, dimensions, references and other data shown on the maps, as well as properly attested amendments to them, are a part of this code.

C. The provisions of this title are in addition to existing federal, state and county laws and regulations governing the same matters and are not intended to preempt them. The more restrictive laws and regulations shall take precedence.

Sec. 15.02.030 Definitions.

For purposes of this title, the following words and phrases have the meanings indicated:

A. "Anchoring" means to temporarily secure a vessel to the bottom of water by dropping an anchor or anchors.

B. "Berth" means a place where a vessel may be secured to a fixed or floating structure and left unattended.

1 C. "Berthing area" means the water area in which vessels are berthed.

2
3 D. "Bulkhead" means a structure or partition to retain or prevent sliding of the
4 land into the water. A secondary purpose is to protect the upland from wave action.

5
6 E. "City dock" means that portion of the City's waterfront property which extends
7 from Prince George Street to the east side of Newman Street, and includes the Dock
8 Street Parking lot, Susan Campbell Park, the Compromise Street lot next to Fawcett's, the
9 foot of Newman Street, and all bulkheads, lots, walkways, and piers within those
10 boundaries except the Fawcett's Dock, and the Department of Natural Resources dock.

11
12 F. "City facilities" means property, real or personal, owned and operated by the
13 city that is available for use by the public.

14
15 G. "City waters" means any water within the municipal limits of the City of
16 Annapolis.

17
18 H. "Community piers and moorings" means any type of structure, fixed or
19 floating, and extending from or in close proximity to community, condominium-owned, or
20 leased property, generally referred to as a pier, dock or wharf, including pilings, buoys,
21 moorings and other similar facilities, and used for the berthing of vessels registered to
22 residents of the community within which the property is located or is in proximity to or to
23 residents or co-owners of the condominium-owned property from which the facility extends
24 or is in proximity to. A community pier also may be used for the berthing of vessels owned
25 by and registered to visitors of residents of the community or condominium, during the
26 period of a visit.

27
28 I. "Developable waterway area" means the waterway area lying between the
29 shoreline, the harbor line and the lateral lines of waterfront property.

30
31 J. "Developable waterfront land" means any waterfront property from which
32 access to a waterway area can be achieved.

33
34 K. "Dry storage" means the keeping of vessels on the land, excluding vessels
35 owned by and registered to the property owner upon which the vessel sits, and excluding
36 vessels awaiting repairs for a period of up to seven days, and further excluding vessels
37 displayed as part of a vessel sales operation.

38
39 L. "Finger pier" means a small, narrow extension of a pier ; usually provided to
40 facilitate access to berthed vessels.

41
42 M. "Fixed harbor line" means the line defining the maximum channelward limits
43 of marine construction, defined by and encompassing that construction lawfully installed

1 in a given developable waterway area and identified by solid unbroken lineation on the
2 harbor line maps.

3
4 N. "Gabion" means a connected system of wicker or metal cages filled with
5 brush or rock and used as bulkhead for slope protection or stabilization.

6
7 O. "Harbor line" means a line, either fixed or provisional, defining the maximum
8 channelward limits of marine construction for a given developable waterway area.

9
10 P. "Harbor line map" means a map of the city, scale 1:200, graphically showing
11 zoning districts, shorelines of the waterways, channel markers and harbor lines.

12
13 Q. "Harbor master" means the officer of the city appointed pursuant to City
14 Code, Section 2.12.060 and who performs the duties set forth in that section.

15
16 R. "House barge" means any vessel, boat, craft or structure originally designed
17 to float or supported by means of flotation which is used or designed to be used primarily
18 for occupancy as a residential, business or social club structure and which is not designed
19 or intended primarily for self-propelled navigation.

20
21 S. "Lateral lines" means lines extending from the shoreline to the harbor line
22 separating adjacent developable waterway areas.

23
24 T. "Marina" means any arrangement of piers, slips, mooring piles, wharves, or
25 buoys placed in the water and on abutting land and which is intended to be used for the
26 berthing, storing, mooring, securing, servicing, repairing, selling or trading, or renting of
27 vessels and is not a private or community pier and mooring.

28
29 U. "Mooring" shall include, but not be limited to:

- 30
31 1. A place where vessels are secured, other than a pier;
32
33 2. A chain, line or other device by which a vessel is secured in place and which
34 is not carried aboard the vessel as regular equipment when underway; or
35
36 3. The process of securing a vessel by means of chains, lines or other devices
37 described in subparagraph 2 above.

38
39 V. "Mooring buoy" means an anchored buoy fitted to receive a vessel's mooring
40 chain or hawser.

41
42 W. "Municipal infraction" means any violation of this code which has been
43 specifically declared to be a municipal infraction. See Chapter 1.20.

1 X. "Operate" means to navigate or otherwise use a vessel. A vessel is in use
2 whenever it is in the water and is not docked or moored.

3
4 Y. "Operator" means the person who operates or has charge of the navigation
5 or use of a vessel.

6
7 Z. "Owner" means a person, other than a lienholder, having property in or title
8 to a vessel. Owner includes a person entitled to use or possess a vessel subject to an
9 interest in another person reserved or created by agreement and securing payment of
10 performance of an obligation. Owner does not include a lessee under a lease not intended
11 as security.

12
13 AA. "Pier" means a structure attached to fast land and used, or capable of being
14 used, for tying up, mooring, embarking and disembarking from, fueling or loading and
15 unloading vessels.

16
17 BB. "Private piers and moorings" means any type of structure, fixed or floating,
18 generally referred to as a pier, dock or wharf, including pilings, buoys, and other similar
19 facilities, used primarily for the berthing of vessels owned by and registered to the owner
20 or tenant of the property from which the facility extends or is in proximity to.

21
22 CC. "Provisional harbor line" means the line defining the maximum channelward
23 limits of marine construction in a given developable waterway area which has not been
24 developed fully, and as defined in Sections 15.18.030 and 15.18.040 and identified by
25 dashed broken lineation on the harbor line maps.

26
27 DD. "Riprap" means a layer, facing or protective mound of stones randomly
28 placed to prevent erosion, scour or sloughing of a structure or embankment.

29
30 EE. "Shoreline" means the mean high water line or the waterward line of an
31 existing bulkhead, riprap or gabion as shown on the harbor line maps.

32
33 FF. "Slip" means any arrangement of a pier, designed and intended to be used
34 for the wet storage of a single vessel.

35
36 GG. "Vessel" means every description of watercraft, including an ice boat, but not
37 including a sea plane, that is used, or capable of being used, as a means of transportation
38 on water or ice. Vessel includes the motor, spars, sails and accessories of a vessel. For
39 purposes of this Title, "vessel" shall include barges.

40
41 HH. "Waterway" means any water area providing access from one place to
42 another, primarily a water area providing a regular route for water traffic.
43

1 II. "Wet storage" means the docking, mooring, berthing or otherwise securing of
2 vessels to any sort of pier, wharf, dock, piling, buoy or other similar facility, other than
3 temporary berthing and includes a covered slip within a structure.
4

5 JJ. "Working boatyard" means an arrangement of piers, slips, mooring piles,
6 wharves, or buoys used for the repair, construction and temporary storage of vessels, and
7 which are not occupied or rented by the general public.
8

9 KK. "Yacht club" means a bona fide private, nonprofit club, owned and operated
10 by the members, providing limited marina facilities for the use of members and their
11 guests.
12

13 **Sec. 15.02.040 Nonliability of the city.**
14

15 A person using a berth, berthing area, bulkhead, finger pier, marina, mooring,
16 mooring buoy, pier, riprap, slip, or similar facility or structure owned or operated by the City
17 within City waters assumes all risk of personal injury or property damage to that person,
18 his property or to any other person or property. The City assumes no risk on account of
19 fire, theft, act of God, or damage of any kind to any vessel and other property within City
20 waters or of injury of any kind to persons within City waters.
21

22 **Division II. City Waters**
23

24 **Chapter 15.04**
25 **Management of City Waters**
26

27 **Sections:**

- 28 **15.04.010 Jurisdiction over vessels and persons aboard vessels.**
29 **15.04.020 Jurisdiction over structures in city waters.**
30 **15.04.030 Authority to issue orders affecting vessels.**
31 **15.04.040 Authority during a declared public emergency.**
32 **15.04.050 Delegation of authority.**
33 **15.04.060 Authority of police to enforce laws in this title.**
34 **15.04.070 Appeal to the board of port wardens.**
35

36 **Sec. 15.04.010 Jurisdiction over vessels and persons aboard vessels.**
37

38 A. Every vessel located in or on City waters and the people aboard each vessel
39 are subject to City Code, Title 15.
40

41 B. Every person in or on City waters shall obey lawful orders of the harbor
42 master in his enforcement of City Code, Title 15, including, but not limited to, orders to

1 provide identification, evidence of citizenship, and documentation regarding the vessel,
2 voyage, and identity of owner and crew; to pay for municipal slips and moorings; and to
3 register with the harbor master. Refusal to comply with any lawful order of the harbor
4 master, or failure to provide correct and current information, is a municipal infraction and
5 is cause for the revocation of mooring or docking privileges, as well as the imposition of
6 other sanctions prescribed by this Title.
7

8 **Sec. 15.04.020 Jurisdiction over structures in city waters.**
9

10 The harbor master shall have the authority to enforce Title 15 as it relates to every
11 structure, mooring and other device found anywhere in City waters.
12

13 **Sec. 15.04.030 Authority to issue orders affecting vessels.**
14

15 A. To provide for the orderly management of City waters, the harbor master may
16 order the relocation of any vessel stored, anchored, berthed or moored in City waters if
17 relocation is required to ensure public safety, to prepare the harbor for scheduled events
18 or to facilitate and protect harbor operations. Upon a determination that it is necessary to
19 relocate a vessel, the harbor master shall order the owner or operator to relocate the
20 vessel, if the owner or operator is aboard the vessel, or in the immediate vicinity of the
21 vessel. If a person fails to relocate a vessel as ordered by the harbor master, or if the
22 owner or operator is not found in the immediate vicinity of the vessel, the harbor master
23 or someone at his request may remove the vessel to a boat storage facility, or have the
24 vessel relocated to a safe place of storage. If so removed, the harbor master shall notify
25 the owner of the vessel of the new location of the vessel. The owner of the vessel is
26 responsible for all costs and expenses associated with the towing and storage of a vessel.
27

28 B. A person who fails to comply with an order of the harbor master to relocate
29 a vessel pursuant to this section is guilty of a municipal infraction.
30

31 **Sec. 15.04.040 Authority during a declared public emergency.**
32

33 A. During any public emergency declared by a City public safety official,
34 including, but not limited to Homeland Security Advisory Condition Orange or Red, weather
35 emergencies, fire emergencies, pollution incidents or threat conditions connected with the
36 safety of any person, the harbor master may refuse any and all vessels entry into City
37 waters, refuse or revoke docking, anchoring or mooring privileges, order the relocation of
38 vessels, and carry out any instructions issued by the director of emergency services. As
39 used herein, "public safety official" shall include the Mayor, fire chief, police chief and
40 director of emergency management.
41

42 B. It is unlawful for a person to fail to comply with an order of the harbor master

made pursuant to this section. A violation of this section is a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment for not more than ninety (90) days, or by both a fine and imprisonment.

Sec. 15.04.050 Delegation of authority.

During a period of absence, the harbor master may delegate his authority to another member of the harbor master's staff.

Sec. 15.04.060 Authority of police to enforce laws in this title.

A. A member of the Annapolis police department, and any duly appointed police officer of Anne Arundel County and the State of Maryland who have jurisdiction in the City of Annapolis by virtue of a memorandum of understanding or agreement, shall have authority to enforce Title 15, including the power to arrest and issue citations for violations of Title 15.

B. The department of public works may enforce the provisions of Title 15 which relate to permits issued by the department of public works.

Sec. 15.04.070 Appeal to the board of port wardens.

A person aggrieved by a final decision of the harbor master may appeal that decision to the board of port wardens. An appeal shall be presented to the board of port wardens in writing and be received by the board within ten (10) days of the date of the harbor master's decision. This right to appeal does not apply to a municipal infraction citation.

Chapter 15.06
Rules for Vessels and Persons using City Waters and Shores

Sections:

- 15.06.010 Interference with harbor facilities or equipment.**
- 15.06.020 Cruelty to animals.**
- 15.06.030 Excessive noise.**
- 15.06.040 Swimming and water skiing prohibited.**
- 15.06.050 Behavior disruptive to the community.**
- 15.06.060 Hazardous obstructions.**
- 15.06.070 Unauthorized anchor rode and markers.**
- 15.06.080 Healthful and sanitary conditions aboard vessels.**
- 15.06.090 Vessel toilets.**
- 15.06.100 Interference with any emergency response.**

1 A. A person may not store any items or substances including, but not limited to
2 paint, solvents, fuels and chemicals, aboard a vessel in such a way that the substances
3 might leak or pose a risk of pollution to City waters, or a risk of fire to the vessel.
4

5 B. A person in or on City waters may not store or maintain rubbish, garbage or
6 other organic waste (including, but not limited to, paper, tin cans, wood, glass, automobile
7 and vessel parts, rags and rubber) on their vessel and shall regularly remove same and
8 place it in an approved storage or disposal facility which is safe and sanitary.
9

10 **Sec. 15.06.090 Vessel toilets.**
11

12 A person may not operate the toilet fixtures of a vessel within City waters at any time
13 so as to cause or permit to pass or be discharged into City waters any sewage or other
14 waste matter or contaminate of any kind which does not meet state, county, and federal
15 requirements for water quality discharged by such devices.
16

17 **Sec. 15.06.100 Interference with any emergency response.**
18

19 A person aboard any vessel in City waters may not hinder or refuse to cooperate
20 with any City public safety employee, to include any police, fire and/or harbormaster
21 personnel acting in response to an emergency and must keep well clear of and obey the
22 instructions of any public safety employee aboard any emergency vessel displaying red
23 and amber lights, or any law enforcement vessel displaying blue lights.
24

25 **Sec. 15.06.110 Interference with a towing operation or with large vessels in**
26 **confined quarters.**
27

28 A person aboard a vessel in City waters may not permit that vessel to interfere with
29 a towing operation or with a large vessel with limited maneuvering ability at any time,
30 whether anchored or underway.
31

32 **Sec. 15.06.120 Fire safety.**
33

34 A. Except for authorized government personnel serving a vessel owned by a
35 governmental entity, a person may not transfer fuel from a supply tank, container, tanker
36 truck or lighter to a fuel tank aboard a vessel anywhere in City waters except at a
37 designated fuel dock. All commercial fuel transfer operations must conform to the
38 provisions of NFPA-1, NFPA-303, and the International Building Code.
39

40 B. Diesel fuel tank-scrubbing operations are not considered fueling for purposes
41 of this section.
42

1 C. A person in charge of any vessel may not permit paint removal or painting
2 of any vessel at any City facility unless such activities are in conformity with NFPA-303.
3

4 D. A person may not ignite any type of barbeque device at City dock or aboard
5 any vessel at City dock. Cooking devices which are not located within the galley of a
6 vessel and are part of the galley may not be used on vessels located at City dock or on
7 City dock except in the case of licensed food preparation specialists whose operations
8 have been inspected and approved by Fire Marshals for a specific event.
9

10 **Chapter 15.10**
11 **Operation, Anchoring and Mooring of Vessels in City Waters**
12

13 **Sections:**

- 14 15.10.010 Permission to dock or moor.
15 15.10.020 Fees.
16 15.10.030 Restrictions on hourly docking or mooring.
17 15.10.040 Revocation or denial of docking or mooring privileges.
18 15.10.050 Commercial activity at dock or moorings.
19 15.10.060 Condition of vessel in city waters.
20 15.10.070 Vessels underway.
21 15.10.080 Anchoring.
22 15.10.090 Anchor watch.
23 15.10.100 Storage of vessels at anchor or at a public mooring.
24 15.10.110 Mooring.
25 15.10.120 Restricted mooring and anchoring areas.
26 15.10.130 Public moorings.
27 15.10.140 Violations.
28

29 **Sec. 15.10.010 Permission to dock or moor.**
30

31 A person may not dock or moor a vessel at any City facility, including any public
32 dock, wharf or bulkhead or any public mooring, without immediately thereafter making
33 application with the harbor master, obtaining permission of the harbor master and paying
34 all applicable fees.
35

36 **Sec. 15.10.020 Fees.**
37

38 A. Fees for the use of City facilities shall be set by resolution of the city council.
39

40 B. Historic vessels, vessels sponsored by not-for-profit foundations, government
41 vessels and vessels acting on behalf of the City may be exempted from fees for visits of
42 up to seven (7) days in accordance with City Code, Section 6.04.210 and the regulations

1 adopted pursuant thereto.

2 **Sec. 15.10.030 Restrictions on hourly docking or mooring.**

3
4 A. There is a daily fee for the use of public moorings. The fee may not be
5 prorated or reduced. In the event of an early departure of a vessel, a public mooring may
6 be re-rented for the daily fee.

7
8 B. Hourly docking is permitted at City dock from 6:00 a.m. to 5:00 p.m.
9 However, if there are insufficient overnight customers to fill the dock by 6:00 p.m., the
10 harbor master may, at his discretion, rent available space on an hourly basis from 6:00
11 p.m. to 6:00 a.m. the following day.

12
13 **Sec. 15.10.040 Revocation or denial of docking, anchoring or mooring privileges.**

14
15 In addition to any other sanctions provided, the harbor master may revoke or deny
16 permission to anchor, moor or dock in City waters for a violation for City Code, Title 15.

17
18 **Sec. 15.10.050 Commercial activity at dock or moorings.**

19
20 A. No person shall conduct a commercial activity at any City dock or mooring,
21 except as authorized by the Charter Dock Policy or a lease executed by city council.

22
23 B. Furthermore, a person may not dock or moor a vessel with an advertisement
24 or sign thereon which is larger than 16 inches by 24 inches (16" X 24") at any City dock or
25 mooring. The name of a vessel is not considered an advertisement or sign under this
26 section.

27
28 C. For purposes of this section, "For Sale" signs smaller than 16 inches by 24
29 inches (16" X 24") advertising the private sale of the vessel on which it is located are not
30 considered advertisements for commercial activities.

31
32 **Sec. 15.10.060 Condition of vessel in city waters.**

33
34 A. Vessels suffering an involuntary loss of propulsion may anchor for a brief
35 period, not to exceed twelve (12) hours, to make minor repairs or to make arrangements
36 to be towed to a place of repair. Otherwise, except for vessels undergoing repairs at
37 private marinas, and barges otherwise authorized, a person may not anchor, moor or dock
38 a vessel which is not capable of safely getting underway under it's own power or sail in City
39 waters.

40
41 B. Major repairs may not be made to vessels anchored or moored in City waters,
42 or docked at City facilities. "Major repairs" shall include, but are not limited to, removal and

1 repair of major spars, fuel tanks, inboard powerplants, auxiliary generating sets, decks or
2 superstructure, grinding, welding and sandblasting.

3
4 **Sec. 15.10.070 Vessels underway.**

5
6 Operators of vessels underway in City waters shall operate their vessels in a safe
7 manner with due regard for the safety of persons and property, and in conformity with state
8 and federal boating laws. Factors to be considered in determining whether a vessel is
9 being operated in a safe manner shall include, but not be limited to: traffic conditions,
10 proximity to other vessels, weather, speed, wake size, size of the vessel, condition of the
11 vessel and its equipment, and presence or absence of required safety equipment.

12
13 **Sec. 15.10.080 Anchoring.**

14
15 A. Anchoring is an act of navigation and must be done in conformity with city,
16 state and federal boating laws.

17
18 B. Except in an emergency, a person may not anchor a vessel in City waters at
19 any time if the vessel:

- 20
21 1. interferes with or obstructs navigation;
22
23 2. interferes with other anchored vessels;
24
25 3. is within 300 feet of any bridge;
26
27 4. is in a designated and marked channel;
28
29 5. is within 200 feet of any public mooring or pier;
30
31 6. is within 75 feet of any structure, shore or private mooring;
32
33 7. is in any designated and marked "no anchoring" area;
34
35 8. does not show appropriate lights at night;
36
37 9. poses a risk of collision to other boats already anchored;
38
39 10. is in a position or in a manner declared unsafe by the harbor master; or
40
41 11. creates an obstruction, security hazard, environmental hazard or other
42 unlawful condition.

1 C. It shall be unlawful for any person to anchor any vessel in City waters for
2 more than thirty (30) days in any one hundred eighty (180) day period, unless the vessel
3 and all persons on board register every thirty (30) days with the harbor master on a form
4 provided by the harbor master.

5
6 D. It shall be unlawful to anchor any House barge in City waters.

7
8 **Sec. 15.10.090 Anchor watch.**

9
10 A vessel owner and operator shall maintain watch over the vessel while it is
11 anchored or moored to a private mooring in City waters to prevent it from dragging or
12 swinging and damaging the property of others.

13
14 **Sec. 15.10.100 Storage of vessels at anchor or at a public mooring.**

15
16 A vessel shall display its current registration in accordance with State Law. Any
17 unoccupied vessel, may not be stored at anchor, a public mooring or a street ending in City
18 waters.

19
20 **Sec. 15.10.110 Mooring.**

21
22 A. Private moorings shall only be utilized by vessels for which valid private
23 mooring permits have been obtained as provided by the City Code.

24
25 B. A vessel may not be moored in City waters within seventy-five feet of any
26 structure, shore or private mooring or in a position which obstructs navigation.

27
28 C. Only one vessel may be moored on a mooring, except that a dingy less than
29 thirteen feet in length may be attached to a larger vessel on a mooring.

30
31 D. A vessel may not moor at a public mooring in City waters for more than ten
32 (10) days in any period of thirty (30) consecutive days, unless the owner or operator of the
33 vessel has:

34
35 1. registered the vessel and all persons aboard the vessel with the harbor
36 master upon a form provided by the harbor master;

37
38 2. paid any fees which may be required under Section 15.10.020; and

39
40 3. affixed aboard the vessel in plain view any placard or sticker furnished by the
41 harbor master.

42

Sec. 15.10.120 Restricted mooring and anchoring areas.

A. The port wardens shall designate restricted areas within the developable waterway where mooring and anchoring will not be permitted for reasons of public and navigational safety. The restricted areas shall include those areas in the vicinity of fueling docks, cable crossings, the entrance to City dock, a holding area for vessels awaiting the Eastport Bridge opening, and other areas where congestion can become a safety and navigational hazard. The port wardens may also designate areas in the developable waterways where anchoring is restricted to specified periods of time or purposes.

B. Outside the developable waterway, the port wardens may act upon recommendations by the harbor master to restrict anchorage as required for safe and efficient navigation. Restricted anchorage areas in such waters shall be marked with buoys and restrictions shall be enforced by the harbor master.

C. A person may not moor or anchor a vessel in areas which the port wardens designate as restricted areas.

D. A restricted area designated by the port wardens shall be posted in the water. Violation of this section is a municipal infraction punishable by a fine not to exceed \$100.

Sec. 15.10.130 Public moorings.

A. Subject to the approval of the board of port wardens, the harbor master may designate where public mooring buoys shall be placed and shall obtain a permit for all public moorings from the port wardens.

B. Public mooring buoys shall be available to the public upon payment in advance of a mooring rental fee. The moorings shall be of two types: long-term (one month or more) and transient (less than one month).

C. The harbor master may collect applications and fees for the rental of public mooring buoys. Use of a buoy without payment of the fee is a municipal infraction.

Sec. 15.10.140 Violations.

A. If the harbor master determines that a vessel is in violation of Section 15.10.080, 15.10.100, or 15.10.110 or the harbor master has revoked or denied permission to anchor, moor in City waters, the harbor master shall notify the vessel's owner or operator of that determination. Within three calendar days of notification, the owner or operator of the vessel shall move the vessel to a legal mooring, a legal berth at a marina or private pier, or out of City waters.

1 B. In making a determination that a vessel is illegally anchored, stored or
2 moored in City waters, the harbor master shall consider the following factors:

- 3
4 1. the frequency with which the vessel weighs anchor;
5
6 2. the frequency with which the vessel is occupied;
7
8 3. the ground tackle used to secure the vessel;
9
10 4. the condition of the vessel;
11
12 5. the home port of the vessel;
13
14 6. the registration of the vessel;
15
16 7. the use or non-use of pump-out facilities;
17
18 8. the size of the vessel;
19
20 9. proximity to other vessels at the time the anchor was set; and
21
22 10. safety and weather conditions.

23
24 C. Unless otherwise provided, a person who permits or commits any activity
25 prohibited by this chapter is guilty of a municipal infraction.
26

27 Chapter 15.12

28 29 Distressed, Sunken, Damaged, Derelict, Disabled, Neglected or Abandoned 30 Vessels or Property 31

32 Sections:

- 33 15.12.010 Distressed, sinking or sunken vessels.
34 15.12.020 Leaving property or vessels on public docks, street endings or
35 shores.
36 15.12.030 Removal and disposal of abandoned vessels.
37

38 Sec. 15.12.010 Distressed, sinking or sunken vessels. 39

40 A. An owner or operator of any vessel which is distressed, sinking, sunken,
41 capsized, severely damaged, derelict or disabled may not allow the vessel to remain in City
42 waters unattended and unassisted.

1 B. When handling matters involving a distressed, sinking, sunken, capsized,
2 severely damaged, derelict or disabled vessel, anywhere in City waters, the harbor master
3 may assist with patrol boats and City, State, or Federal agencies, and may order:
4

5 1. Immediate assistance by a licensed towing and salvage operator.
6

7 2. Immediate removal from City Waters by haulout. If the owner or operator of
8 the vessel is not available, refuses to order the necessary assistance to safely remove it
9 by haulout, or fails to remove it for any reason, the harbor master may contract with a
10 licensed towing and salvage operator to remove it at the owner's expense.
11

12 3. Any vessel removed by order of the harbor master shall be held in impound
13 in storage. The owner of the vessel is responsible for all costs associated with the salvage,
14 towing, and storage of the vessel. The costs shall include but are not limited to labor, spill
15 protection and cleanup, towing, hauling, transporting, blocking, security, inventory, and
16 storage fees.
17

18 4. If an unoccupied vessel is found sinking or sunken and the owner cannot be
19 determined or cannot be located, the harbor master shall take immediate steps to remove
20 the vessel from City waters and store it at the owners expense. If the owner cannot be
21 determined or cannot be located, provisions for the removal and disposal of an abandoned
22 vessel as provided in Section 15.12.030 may be undertaken. If the owner is located and
23 fails to take responsibility for the vessel and pay all fees incurred, the owner may be
24 charged with a separate offense for each day for which violation of this section occurred,
25 and may also be charged with abandoning a vessel if the provisions of that section apply.
26

27 **Sec. 15.12.020 Leaving property or vessels on public docks, street endings, or**
28 **shores and on private docks or shores without permission of the**
29 **owner.**
30

31 A. This section shall apply to all vessels which could be berthed and to all personal
32 property which could be offloaded at every public dock, street ending, park, dock, shore,
33 or other shoreside real property within the city.
34

35 B. A person may not berth, beach, or leave any vessels or any personal property
36 at any street ending, park dock, or upon any public shore without the permission of the
37 harbor master and subject to the limitation of berthing, beaching, or storage provided in
38 subsections C and D of this section.
39

40 C. The number of vessels which may be stored at any public street ending, park
41 dock, or upon any public shore having a boat launch shall not exceed one vessel for every
42 ten linear feet of width of the total public frontage available as measured and marked by

1 the harbor master, excluding the width of any launch ramps. Each public street ending
2 shall be posted to indicate the maximum number of boats which may be stored at that
3 location.
4

5 D. At any street ending having a boat launch, no vessel may be berthed, beached,
6 or left in any manner which may obstruct access to or use of the boat ramp. Any street
7 ending having a boat launch shall be posted to indicate this restriction.
8

9 E. Except for vessels which are registered with the harbor master and which display
10 a current sticker provided by the harbor master, no vessel may be berthed, beached, or
11 stored at any street ending, park dock, or upon any public shore for more than two
12 consecutive nights, and no vessel may be stored at any street ending for more than ten
13 nights in total per year.
14

15 F. Except for unpowered canoes and kayaks conforming to the provisions of
16 subsection E of this section, no vessel of more than 12 feet in length or 25 horsepower
17 may be berthed, beached, or left overnight at any street ending.
18

19 G. No vessel at a street ending, park dock, or public shore may be left secured side
20 to, secured to a dock by both bow and stern lines, berthed by securing one line to the
21 shore or dock and one to an anchor, or berthed and secured by means of illegal pilings or
22 stakes.
23

24 H. Small vessels berthed, beached, or left overnight at street endings, park docks,
25 or on public shores, or on adjacent public property, must first register with the harbor
26 master, pay applicable fees, and display current stickers provided by the harbor master.
27

28 I. Any small vessels found anywhere in city waters or beached on any city shoes
29 shall be kept in good condition, clean, well-secured, bailed, safe for occupancy, registered
30 as required, and ready for use.
31

32 J. No person shall berth, beach, or leave a vessel at any private dock or on any
33 private shore in the city without permission of the owner of the dock or shore. Upon
34 complaint of the owner of the dock or shore of a violation of this provision, the harbor
35 master may issue a citation and take other measures as provided in subsection K of this
36 section.
37

38 K. Any violation of this section is a municipal infraction. In addition, any vessels or
39 property found in violation of this section may be removed by the harbor master at the
40 expense of the owner and held in impound per section 15.04.030 until all violations have
41 been abated and all fees paid.
42
43

Sec. 15.12.030 Removal and disposal of abandoned vessels.

Pursuant to the Natural Resources Article of the Annotated Code of Maryland § 8-721 (h), the Department of Natural Resources delegated to the City of Annapolis the authority to remove and dispose of abandoned vessels in accordance with Natural Resources Article §8-721, et seq. Accordingly, the harbor master may seize, remove, and take into custody any abandoned vessel in accordance with the Natural Resources Article §8-721, et seq.

**Chapter 15.14
Housebarges**

Sections:

- 15.14.010 Mooring time limit.**
- 15.14.020 Concentration limit.**
- 15.14.030 Exceptions.**
- 15.14.040 Violation – Penalty.**

Sec. 15.14.010 Mooring time limit.

No House barge exceeding the dimensions of twenty feet in width, forty-six feet in length or fourteen feet in height as measured from the water line (excluding railings, awnings, antennas or any similar appurtenances) shall be docked or moored in excess of forty-eight hours.

Sec. 15.14.020 Concentration limit.

A House barge conforming to the dimensions set forth in Section 15.14.010 may be secured to waterfront facilities only if the House barge is docked within a commercial, community or public marina in which twenty or more slips exist for the dockage of vessels and the dockage of the House barge would not result in more than five percent of the facility's slips being occupied by Housebarges.

Sec. 15.14.030 Exceptions.

This chapter does not apply to

A. Housebarges docked within the city on February 13, 1984. These Housebarges shall be placarded to reflect their exemption from this chapter;

B. Housebarges which are required for waterfront construction and temporarily and periodically are secured to or moored adjacent to construction sites;

1 C. Housebarges which are undergoing bona fide manufacture, repair, restoration,
2 or refitting provided the period of the process does not exceed one hundred-twenty days;
3 and
4

5 D. Housebarges which are unoccupied and docked for purposes of sales display
6 of the vessels, not to exceed one month.
7

8 **Sec. 15.14.040 Violation – Penalty.**
9

10 Violation of this chapter is a municipal infraction and subject to a fine of \$100. Each
11 and every day that a violation continues shall be deemed a separate offense.
12

13 **Chapter 15.14**
14 **Housebarges**
15

16 **Sections:**

- 17 **15.14.010 Mooring time limit**
18 **15.14.020 Concentration limit**
19 **15.14.030 Exceptions**
20 **15.14.040 Violation – penalty**
21

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23

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12
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15

16 **Division III. Developable Waterway Area**

17
18 **Chapter 15.16**
19 **Port Wardens**
20

21 **Sections:**

22 **15.16.010 Port wardens--Appointment.**

23 **15.16.020 Port wardens--Barrier regulation.**

24 **15.16.030 Port wardens--Development regulation.**

25 **15.16.040 Hearings and decisions.**

26 **15.16.050 Appeal.**
27

28 **Sec. 15.16.010 Port wardens--Appointment.**

29
30 There shall be five wardens of the port. The port wardens shall be appointed by the
31 mayor and confirmed by a majority vote of the city council. Each warden shall serve for a
32 term of three years commencing on September 1st of the year in which the appointment
33 is made, and not more than two terms shall expire in any one year.
34

35 **Sec. 15.16.020 Port wardens--Barrier regulation.**

36
37 The port wardens shall regulate the placement, erection and construction of
38 structures and other barriers within or on the waters of the city, including but not limited to,
39 the issuing of licenses to create or build wharves or piers and the issuing of permits for
40 mooring piles, floating wharves, buoys or anchors. The port wardens shall regulate the
41 materials and construction and make certain that the placement, erection, or construction
42 of structures or other barriers in City waters do not render navigation too close and

1 confined and are undertaken in a manner and of materials as to be sufficiently substantial
2 and lasting. The port wardens also shall make certain that the proposed structure or barrier
3 will not increase materially water pollution or erosion, or materially impair marine life,
4 wildlife or conservation, or have a material impact upon increasing boat congestion.

5
6 **Sec. 15.16.030 Port wardens--Development regulation.**
7

8 A. The port wardens shall not approve any application for a license or permit
9 involving placement, erection, or construction in the waters beyond the harbor lines, either
10 fixed or provisional, as shown on the harbor line maps, but may approve or disapprove an
11 application within the developable waterway areas as defined in this title, in accordance
12 with the criteria set forth in this chapter. The location of the harbor lines in the waterways,
13 as shown on the harbor line maps, shall be utilized by the port wardens to define the
14 maximum channelward limits of construction.
15

16 B. The port wardens shall approve or disapprove applications for licenses or
17 permits to construct, enlarge, rebuild or modify any and all marinas, community or private
18 piers, wharves, mooring piles, floating wharves, buoys, anchors, bulkheads, including any
19 dredging and modification of the natural shoreline.
20

21 C. The port wardens shall consider the effect of the proposed structure alone
22 and in concert with present and other proposed uses on marine life, wildlife, conservation,
23 water pollution, erosion, navigational hazards, the effect of the proposed use on congestion
24 within the waters, the effect on other riparian property owners and the present and
25 projected needs for any proposed commercial or industrial use.
26

27 D. A person neither may build a wharf or pier or carry out any earth or other
28 material for the purpose of building a wharf or pier, nor place or erect mooring piles,
29 floating wharves or docks with or without motors, buoys or anchors without approval of the
30 port wardens.
31

32 **Sec. 15.16.040 Hearings and decisions.**
33

34 A. Whenever an application is submitted by the director of public works or by
35 the harbor master to the port wardens, the port wardens shall cause notice of the hearing
36 of the application to be published once in each week for two consecutive weeks in one
37 newspaper of general circulation published in the city. The second advertisement shall be
38 published at least seven days prior to the hearing.
39

40 B. The notice required by subsection A of this section shall specify the names
41 and residency of the applicant, the location of the projected construction and description
42 of the construction proposed and such other information as the port wardens shall direct.

1 The notice also shall advise that an appeal from a decision of the port wardens to the city
2 council is on the record of the proceedings made before the port wardens and that persons
3 who may desire to appeal a decision of the port wardens shall provide for a verbatim
4 account of the port wardens' proceedings to be recorded and transcribed. The cost of the
5 publication of notice of hearing shall be borne by the applicant.
6

7 C. Additionally, a sign indicating that a permit is being sought and stating the
8 date and time of the meeting of the port wardens shall be posted on the property, both at
9 the street and at the water, by the applicant at least ten (10) days prior to the meeting of
10 the port wardens and shall be removed by the applicant within ten (10) days following the
11 completion of the port warden's consideration of the application. The sign(s) will be
12 prepared by the harbor master.
13

14 D. The decision of the port wardens shall be based upon their judgement of
15 testimony presented to them at the hearing shall be in writing and shall contain the findings
16 of fact upon which the decision is based. All decisions of the port wardens shall be filed
17 with the city clerk.
18

19 E. The port wardens shall cause notice of their decision pertaining to an
20 application to be published within two weeks in one newspaper of general circulation
21 published in the city. The cost of the publication of the notice of decision also shall be
22 borne by the applicant.
23

24 **Sec. 15.16.050 Appeal.**
25

26 A. A person aggrieved by a decision of the port wardens may appeal that
27 decision to the Annapolis city council. A written petition indicating the reasons for the
28 appeal shall be filed with the city clerk within thirty (30) days of the final decision of the port
29 wardens.
30

31 B. A nonrefundable fee for the appeal shall be paid at the time of filing the
32 appeal. The fee for an appeal shall be determined, from time to time, by the city council,
33 by resolution.
34

35 C. The city clerk shall cause notice of the appeal to be published in the same
36 manner as port warden hearings and the cost shall be borne by the appellant. Within five
37 (5) days following the date of last publication of notice of the appeal, any person who
38 participated in the hearing before the port wardens may file a request to intervene in the
39 appeal before the city council.
40

41 D. The appeal shall be considered by the city council on the record of the
42 proceedings before the port wardens. The record shall consist of the originals or certified
43 copies of all papers and exhibits filed before the port wardens, the decision of the port

wardens and proof of compliance with the publication requirements of Section 15.16.040, all of which shall be transmitted to the city council by the port wardens. The record also shall include a certified transcript of the proceedings before the port wardens, eleven (11) copies of which shall be provided by the appellant and filed with the city clerk and an additional copy provided by the appellant to the original applicant if different from the appellant. The complete record shall be filed with the city council not less than seven (7) days prior to the date of the appeal scheduled before the city council. If the record is not filed timely, except through no fault of the appellant, the appeal shall be dismissed. At the hearing, the city council shall hear argument from the appellant, the applicant, if different from the appellant, and from any other person who has requested timely to intervene in the appeal.

E. The city council may affirm or reverse the decision of the port wardens.

F. A person aggrieved by the decision of the city council may appeal that decision to the Circuit Court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200, or its successor. An appeal under this section must be taken within thirty (30) days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

Chapter 15.18

Harbor Lines and Setbacks

Sections:

- 15.18.010 Developable waterway area.**
- 15.18.020 Harbor lines--Map--Purpose.**
- 15.18.030 Harbor lines--WME, WMM, WMI and WMC districts.**
- 15.18.040 Harbor lines--R1A, R1B, R1, R2, R3, R4, R5, C1 and C2 districts.**
- 15.18.050 Lateral lines.**
- 15.18.060 Determination of developable waterway area--Lateral line acceptability.**
- 15.18.070 Modification to unacceptable lateral lines.**
- 15.18.080 Harbor line setbacks.**
- 15.18.090 Fuel dock setback.**
- 15.18.100 Lateral line setback.**
- 15.18.110 Nonconforming uses or structures.**
- 15.18.120 Legality of existing structures.**

Sec. 15.18.010 Developable waterway area.

The developable waterway area is the area bounded by the shoreline, the harbor line and the lateral lines of a waterfront lot or tract.

Sec. 15.18.020 Harbor lines--Map--Purpose.

A. The location of the harbor lines in the waterways is shown on the maps entitled "Annapolis Harbor Lines as adopted by the Annapolis City Council and amended from time to time. Amendment 15

B. The harbor lines in the waterways are located at a distance from the shoreline depending on the location of lawfully installed piers, mooring pilings, wharves and bulkheads, the configuration of the shoreline and the zoning of the land at the shoreline.

C. The harbor lines in the waterways as shown on the harbor line maps define the maximum channel-ward limits of construction. The board of port wardens shall use the harbor lines when approving or disapproving applications for licenses or permits in accordance with the provisions of Chapter 15.40.

Sec. 15.18.030 Harbor lines--WME, WMM, WMI and WMC districts.

A. In WME, WMM, WMI and WMC zoning districts where the waterway area has been developed and where piers and mooring pilings have been installed lawfully in the waterways and extend channelward one-fourth of the minimum distance to the opposite shoreline, or more, the harbor line is located at the most channelward end of an existing pier and mooring pilings. If no mooring pilings are installed at the end of an existing pier, the harbor line coincides with the end of the pier.

B. In WME, WMM, WMI and WMC zoning districts where the waterway area has not been developed or where piers and mooring pilings have been installed lawfully in the waterways and extend channelward less than one-fourth of the minimum distance to the opposite shoreline, the harbor line provisionally is located no further channelward than one-fourth of the minimum distance to the opposite shoreline.

C. In the WME, WMM, WMI and WMC zoning districts where the opposite shoreline is more than one thousand five hundred feet distant and the depth of water is less than six feet at a channelward distance of seventy-five feet from the shoreline, the harbor line is located the lesser of no further channelward than one-fourth of the minimum distance to the opposite shoreline or at a water depth of six feet below the mean high water line.

Sec. 15.18.040 Harbor lines--R1A, R1B, R1, R2, R3, R4, R5, C1 and C2 districts.

A. In R1A, R1B, R1, R2, R3, R4, R5, C1 and C2 zoning districts where the waterway area has been developed and where piers and mooring pilings have been

1 installed lawfully in the waterways and extend channelward seventy-five feet or more from
2 the shoreline, the harbor line is located at the most channelward end of an existing pier
3 and mooring pilings. If no mooring pilings are installed at the end of an existing pier, the
4 harbor line coincides with the end of the pier.

5
6 B. In R1A, R1B, R1, R2, R3, R4, R5, C1 and C2 zoning districts where the
7 waterway area has not been developed or where piers and mooring pilings have been
8 lawfully installed in the waterways and extend channelward less than seventy-five feet from
9 the shoreline, the harbor line provisionally is located no further channelward than seventy-
10 five feet from the shoreline with the following exceptions:

11
12 1. For those waterway areas where the opposite shoreline is more than one
13 thousand five hundred feet distant and the depth of water is less than six feet at a
14 channelward distance of seventy-five feet from the shoreline, the harbor line is located
15 provisionally at a water depth of six feet below the mean high water line.

16
17 2. In coves or narrows where the waterway area has not been developed and
18 where the distance to the closest point on the opposite shore is less than three hundred
19 feet, the harbor line is located provisionally no further channelward than one-fourth of the
20 minimum distance to the opposite shore. The harbor line at the end of coves is seventy-five
21 feet from the shoreline.

22
23 **Sec. 15.18.050 Lateral lines.**

24
25 A. The lateral lines for any waterfront property are to be determined, from time
26 to time, graphically on a scaled drawing as follows:

27
28 1. Prepare a scale drawing showing the applicant's property and all adjacent
29 properties within a two-hundred-foot radius of the boundaries of the applicant's property.
30 (See Figure 15.18.050.)

31
32 2. On the scale drawing, add the shoreline and harbor lines, either fixed or
33 provisional, as shown on the harbor line map.

34
35 3. Intersect all property lines with the shoreline (points A, B, C, D, E, F on Figure
36 15.18.050).

37
38 4. From the applicant's property line-shoreline intersections (points D and E on
39 Figure 15.18.050) intersect a two-hundred-foot radius with the shoreline (points 1 and 2
40 on Figure 15.18.050).

41
42 5. From the applicant's property, connect all property line-shoreline points,
43 ending at points 1 and 2 with straight lines (D to C, C to B, B to 1, D to E, E to 2 on Figure

1 15.18.050).

2
3 6. Bisect the angle formed by these straight lines and extend the lines bisecting
4 the angle from the shoreline to the harbor line. These lines constitute the lateral lines (B-G,
5 C-H, D-I, E-J on Figure 15.18.050).
6

7 B. Any person desiring to erect a structure in the waterways may have a
8 professional land surveyor prepare, according to the method described in this chapter, a
9 plat showing the owner's lateral lines. The lines shall be developed based on the shoreline
10 as it exists at the time the plat is drawn. The lateral lines will be deemed to remain as
11 shown on the plat regardless of future changes in the shoreline.
12

13 **Sec. 15.18.060 Determination of developable waterway area--Lateral line**
14 **acceptability.**
15

16 The developable waterway area shall be determined for all properties having a pair
17 of lateral lines as shown on the applicant's drawing. For an acceptable developable
18 waterway area, the following conditions (see Figure 15.18.050) must be met:
19

20 A. If a pair of lateral lines extended to the harbor line results in a distance of
21 twenty-five feet or more on the harbor line (lines G-H, H-I, I-J), the lateral lines (D-I, E-J)
22 are satisfactory and these lines and the harbor line and the shoreline define the
23 developable waterway area for the applicant.
24

25 B. If any pair of lateral lines extended to the harbor line results in a harbor line
26 segment (G-H, H-I, I-J on Figure 15.18.050) of less than twenty-five feet, the lateral lines
27 are unacceptable and shall be modified as indicated in Section 15.18.070.
28

29 **Sec. 15.18.070 Modification to unacceptable lateral lines.**
30

31 A. Whenever the lateral lines are unacceptable as outlined in Section
32 15.18.060, the lateral lines shall be modified, as shown on Figure 15.18.070, by moving
33 an imaginary line toward the shoreline and parallel to line D-E (Figure 15.18.070) until a
34 twenty-five-foot clearance is obtained (line N-O on Figure 15.18.070).
35

36 B. Two additional lateral lines, N-P and O-Q, shall be drawn perpendicular to
37 line N-O from points N and O to the harbor line. The lines D-N-P, E-O-Q shall be deemed
38 to be the modified lateral lines for the applicant's parcel and the adjoining properties.
39

40 C. For all modified lateral lines, construction shall be limited to the area enclosed
41 by the shoreline, the lateral lines and the harbor line. Any structure proposed within a
42 modified developable waterway area shall conform to the setback requirements of this

chapter. The port wardens may limit or proscribe, on a case-by-case basis, the placement, erection or construction of such a structure, if the limitation or proscription is demonstrated to serve any of the purposes of this chapter set forth in Section 15.02.010 (A) or to reasonably protect the interests of nearby property owners.

D. These modified lateral lines, the harbor line and the shoreline define the developable waterway area.

Sec. 15.18.080 Harbor line setbacks.

All piers, "T" heads, "L" heads, mooring piles, mooring buoys and anchorages must be set back from the harbor line an appropriate distance to assure that no moored vessel or permanent or temporary obstruction extends channelward beyond the harbor line.

Sec. 15.18.090 Fuel dock setback.

A clear space of one hundred feet by fifty feet shall be provided for parallel berthing at "T" or "L" head fuel docks.

Sec. 15.18.100 Lateral line setback.

A. No portion of the structures of a marina, yacht club, working boatyard, and community or private pier and moorings installed in the waterways after February 11, 1980 shall be located less than five feet away from a lateral line. No vessel shall be moored such that any portion of the vessel is located within five feet of a lateral line.

B. The lateral line setback may be reduced if a letter of "no objection" is obtained from the adjacent property owners and filed with the port wardens. The mutual use of piers and mooring pilings by adjacent property owners is encouraged and recommended whenever possible.

Sec. 15.18.110 Nonconforming uses or structures.

Any structure of a marina, yacht club, community or private pier lawfully installed in the waterways and lawfully in use on February 11, 1980, but not in conformance with the dimensional or use regulations as prescribed in this title, may continue as a nonconforming structure or use, subject to the following provisions:

A. Additions and Enlargements. A nonconforming structure which is nonconforming as to waterway setback shall not be added to or enlarged in any manner unless the additions or enlargements are made so that the resulting structure conforms to the waterway setback provisions of Sections 15.18.080, 15.18.090 and 15.18.100.

D. Expansion or change of a nonconforming use. The nonconforming use of a structure shall not be expanded, extended or changed to another nonconforming use.

Any fixed or permanent structure existing in the waterways on February 11, 1980 and lawfully conforming to all of the provisions of this title shall be considered as lawfully installed, unless the port wardens decide, after notice to the property owner and a public hearing before the port wardens, in accordance with the provisions of this title, not later than February 11, 1982, that the structure or portion of the structure was installed without lawful authority.

Sections:

- 15.20.010 Building permit--Required.
- 15.20.020 Building permit--Concept review.
- 15.20.030 Building permit--Application--Rebuilding or repair.
- 15.20.040 Building permit--Application--Remodeling or new construction.
- 15.20.050 Building permit--Application--Notification.
- 15.20.060 Building permit--Site plan--Working boatyards and private piers with four or fewer slips.
- 15.20.070 Building permit--Site plan--Other facilities.
- 15.20.080 Building permit--Fees.
- 15.20.090 Building permit--Plan preparation.
- 15.20.100 Construction standards.
- 15.20.110 Mooring permit--Required.
- 15.20.120 Mooring permit--Numbering--Posting.
- 15.20.130 Grading permit.
- 15.20.140 State and federal permits and approvals.
- 15.20.150 Permit expiration and nontransferability.

1 **15.20.160 Unlicensed or unauthorized structures.**

2 **15.20.170 Use permit--Required.**

3 **15.20.180 Use permit--Application.**

4 **15.20.190 Use permit--Fee.**

5 **15.20.200 Use permit--Violation.**

6 **15.20.210 Temporary permits.**

7
8 **Sec. 15.20.010 Building permit--Required.**

9
10 A city building permit is required to rebuild, modify, construct or enlarge any
11 structure intended to be installed permanently in the waterways. This permit is obtained
12 from the department of public works. An application for a building permit, under either
13 Section 15.20.030 or 15.20.040, shall be filed and obtained in accordance with department
14 of public works procedures before any work is initiated. For purposes of this section, a
15 mooring is not a structure for which a building permit is required.

16
17 **Sec. 15.20.020 Building permit--Concept review.**

18
19 A. Prior to filing an application for a building permit under the provisions of
20 Section 15.20.030 or 15.20.040, a prospective applicant may file with the port wardens a
21 sketch setting forth a concept plan of the proposed improvements. The sketch shall
22 contain, at a minimum, an outline of the developable waterway area for the property, as
23 well as the location and dimensions of all existing and proposed piers, mooring piles,
24 mooring buoys and shore protection structures.

25
26 B. Following submission of the sketch of a concept plan as provided by
27 subsection A of this section, the chair of the port wardens, or the chair's designee, shall
28 meet with the prospective applicant, together with the director of public works, the director
29 of planning and zoning and the fire chief, or their respective designees. At this meeting, city
30 officials shall review the concept plans with the prospective applicant and provide
31 objections or suggestions, as appropriate. Thereafter, an application for a building permit
32 may be filed pursuant to the provisions of Sections 15.20.030 and 15.20.040. To the
33 extent practicable, the application shall take into account any objections or suggestions
34 provided at the concept review meeting.

35
36 **Sec. 15.20.030 Building permit--Application--Rebuilding or repair.**

37
38 A person may not repair or rebuild any structure permanently installed in the
39 waterways without a permit issued by the director of public works. An application shall be
40 submitted to the director and shall be accompanied by such drawings and specifications
41 as the director requires in order to determine the nature and scope of the work to be
42 performed. If the application satisfies the applicable provisions of Title 21 of this code, as

determined by the planning and zoning director, and the director of public works determines that the structure to be repaired or rebuilt lawfully was authorized by the port wardens or by Section 15.18.110 or 15.18.120 and was damaged or destroyed not more than one year prior to the date of application, and that the proposed structure is substantially the same as the structure to be repaired or rebuilt, and does not exceed the maximum channelward encroachment of the structure to be repaired or rebuilt, then the director shall issue the permit. If the application satisfies the zoning requirements but the director finds that the application does not satisfy the other provisions of this section, the director shall submit the application to the port wardens to be processed under the provisions of Section 15.20.040.

Sec. 15.20.040 Building permit--Application--Remodeling or new construction.

Except as provided in Section 15.20.030, an application for a building permit to construct, modify or enlarge any structure installed or intended to be installed permanently in the waterways shall be filed with the director of public works. When the director of public works has determined that the application satisfies all applicable regulations of this title and the planning and zoning director has determined that the application satisfies the applicable regulations of Title 21 of this code, the director shall submit the application with the supporting data to the port wardens for their approval or disapproval.

Sec. 15.20.050 Building permit--Application--Notification.

Upon submission of a building permit application under Sections 15.20.060 or 15.20.070, applicants shall send via certified mail, to each property owner for every property identified in Subsections 15.20.060 (A) (1) or 15.20.070 (A) (1), a copy of the application and a statement that a hearing will be scheduled before the city of Annapolis board of port wardens regarding the application. Applicants shall submit all return receipts from the certified mailings to the board of port wardens at the hearing on the application and shall also post notices prior to the hearing, as required in subsection 15.16.040 (c) of this title.

Sec. 15.20.060 Building permit--Site plan--Working boatyards and private piers with four or fewer slips.

A site plan shall be submitted with the application for a building permit for a working boatyard or a private pier with four or fewer boat slips. The site plan shall include the following:

A. A map at a scale of two hundred feet to the inch. The map shall show:

1. All properties with riparian rights within one hundred fifty feet of the

boundaries of the applicant's property, structures permanently installed in the waterways extending from the other properties, and the adjacent street(s),

2. The location and description of any existing deterrents or aids to navigation within five hundred feet of the boundaries of the applicant's property;

B. A detailed site plan at a scale of forty feet to the inch. The site plan shall show:

1. Bathymetry of the developable waterway area shown at two-foot intervals at mean high water (unless otherwise specified by the director of public works),

2. Mean high water and mean low water lines,

3. Wetlands, if any,

4. Location and dimensions of all existing and proposed piers, mooring piles, mooring buoys, shore protection structures (including groins, jetties, riprap and bulkheads), and material for the proposed structures,

5. Location and dimensions of all areas to be dredged including proposed depths (if applicable),

6. Volume of dredged spoil to be removed, type of material, location and dimensions of disposal area(s) including dikes (if applicable).

Sec. 15.20.070 Building permit--Site plan--Other facilities.

A site plan shall be submitted with the application for a building permit for a marina, yacht club, community pier, or private pier with five or more boat slips. The site plan shall include the following:

A. A map at a scale of two hundred feet to the inch. The map shall show:

1. All properties within five hundred feet of the boundaries of the applicant's property, their uses, and streets. Structures permanently installed in the waterways extending from those properties with riparian rights also shall be shown,

2. The location and description of any existing deterrents or aids to navigation within five hundred feet of the boundaries of the applicant's property;

B. A detailed site plan at a scale of forty feet to the inch. The site plan shall show:

1. Bathymetry of the developable waterway area shown at two-foot intervals at mean high water and topography of the property at five-foot intervals,
2. Mean high water and mean low water lines,
3. Wetlands, if any,
4. Location and dimensions of all existing and proposed piers, mooring piles, mooring buoys, shore protection structures (including groins, jetties, riprap and bulkheads), and material for the proposed structures,
5. Location and dimensions of all boat launching ramps,
6. Location and capacity of all travel lifts, railways and hoists,
7. Location and dimensions of all areas to be dredged including proposed depth (if applicable),
8. Volume of dredged spoil to be removed, type of material, location and dimensions of disposal area(s) including dikes (if applicable),
9. Proposed regraded surface of the land,
10. Location of all existing and proposed site improvements such as storm drains, culverts, retaining walls and fences,
11. Description, method and location of water supply and sewage disposal facilities,
12. Locations, dimensions and proposed use of all buildings,
13. Location of outdoor storage, including dry boat storage,
14. Location and quantity of all parking spaces, location of truck loading areas, location and width of internal access and egress drives, location and width of streets and roadways which access the property,
15. Location and dimensions of all outdoor maintenance and repair facilities,
16. Location of fuel dock and location and capacity of fuel storage tanks,
17. Number and size of existing and proposed dwelling units by type (where applicable),

1 18. Total property area,

2
3 19. Phasing and timing of development including dredging, waterway area
4 structure and shoreline protection construction, clearing, grading, building construction,
5 surfacing, planting, completion;

6
7 C. Each site plan submittal shall include supporting evidence as to how and on
8 what basis environmental requirements have been or will be met with regard to:

9
10 1. Marine life,

11
12 2. Water quality (including but not limited to effect on dissolved oxygen,
13 suspended solids, oil and greases, nutrients and fecal coliforms),

14
15 3. Wildlife,

16
17 4. Stormwater management, including grading and sediment control,

18
19 5. Conservation,

20
21 6. Circulation and flushing,

22
23 7. Aquatic vegetation,

24
25 8. Wetlands,

26
27 9. Shoreline protection and erosion control,

28
29 10. Types of and method of disposal of any wastes or byproducts resulting from
30 boat building or the maintenance and repair of boats and engines;

31
32 D. Supporting evidence for evaluation of the environmental requirements shall
33 include, but not be limited to, the following items:

34
35 1. The name, address and qualifications of each individual or firm involved in,
36 or consulted with regard to the environmental assessment,

37
38 2. A documentation of the process by which the assessment was formulated,

39
40 3. A description of existing environmental conditions related to the site,

41
42 4. A detailed list of each resource document or other resource material used to
43 support the environmental findings, including a copy of the pertinent portions of the

documents or material, where feasible, or a reference to the location where the documents or material may be reviewed,

5. A copy of each study containing environmental data prepared with regard to the site, whether or not the study was prepared in connection with the pending application,

6. Any other relevant data, documents or material which support the environmental findings.

Sec. 15.20.080 Building permit--Fees.

A. A nonrefundable application fee for a building permit to repair, modify, enlarge or construct any fixed and permanent structure in the waterways shall be paid at the time the application is filed.

B. A fee for a building permit to repair, modify, enlarge or construct any fixed and permanent structure in the waterways shall be paid at the time the permit is issued.

C. The amount of the application and permit fees shall be established from time to time by the city council, by resolution.

Sec. 15.20.090 Building permit--Plan preparation.

Building permit applications for all marina, yacht club, working boatyard, community pier, and private pier installations with five or more boat slips shall have plans and proposed construction details prepared by a licensed engineer.

Sec. 15.20.100 Construction standards.

A. All structures intended for installation in the waterways shall be constructed to meet at least the minimum standards as established by the director of public works.

B. All piers shall be of the open-pile design. Filled piers are not permitted.

C. Bulkheads and other shoreline protection structures may not be constructed in the waterway, except as approved by the director of public works, the port wardens and state and federal agencies, if required.

Sec. 15.20.110 Mooring permit--Required.

A. A person shall not place or maintain , or cause to be placed or maintained, any mooring or mooring buoys in City waters without first obtaining a permit from the harbor master. All moorings installed after April 1, 2003 must meet minimum standards

1 approved by the port wardens. A permit is valid for not more than one year from date of
2 issuance and shall expire on April 30th of each year unless renewed. An application for a
3 mooring permit shall be filed with the harbor master. An application for a mooring buoy in
4 the developable waterway shall contain the consent of the contiguous riparian property
5 owner. The harbor master shall not issue any permit for any mooring which is not in
6 position and approved by port wardens as of April 1, 2003, without first obtaining the
7 approval of the board of port wardens. The harbor master shall annually, on or before April
8 1st, notify the board of port wardens of all mooring permits to be issued. Any person
9 desiring to appeal a decision of the harbor master in issuing or revoking a permit may
10 appeal to the board of port wardens.

11
12 B. A nonrefundable mooring permit application fee shall be paid at the time the
13 application is filed. An annual fee for a mooring permit shall be paid at the time the permit
14 is issued, and for each year thereafter for which the permit is renewed, except that a permit
15 issued to a riparian owner for a buoy in that owner's developable waterway shall not be
16 subject to the annual fee.

17
18 C. The amount of the application and permit fees shall be established from time
19 to time by the city council, by resolution.

20
21 D. Any person who places, or causes to be placed, or maintains a mooring in
22 a waterway without a permit as is required in section A above, is guilty of a municipal
23 infraction and is subject to a fine of \$100. Each and every day that a violation continues
24 shall be deemed a separate offense.

25
26 **Sec. 15.20.120 Mooring permit--Numbering--Posting.**

27
28 A. Mooring permits issued by the harbor master shall be consecutively
29 numbered, and the number on commercial permits shall bear the letter "C" as a prefix.
30 Every mooring permit number clearly shall be legible at all times and shall be placed
31 conspicuously on the mooring, buoy or vessel for which issued in numerals not less than
32 two inches tall, and each commercial permit also shall bear the letter "C" at least two
33 inches tall.

34
35 B. Violation of this section is, in addition to any other authorized remedy, a
36 municipal infraction and is subject to a fine of \$100. Each and every day that a violation
37 continues shall be deemed a separate offense.

38
39 **Sec. 15.20.130 Grading permit.**

40
41 A. A grading permit is required for any dredging, filling or other activity which
42 would result in a waterway bottom or shoreline modification.

1 B. Application for the permit shall be filed with the director of public works. The
2 director shall submit the application to the environmental commission for an environmental
3 assessment. When the director has determined that the application satisfies all applicable
4 city codes, the application shall be submitted to the port wardens with the environmental
5 assessment and all supporting data for their approval or disapproval.
6

7 C. The nonrefundable fee for the application for a grading permit shall be paid
8 at the time the application is filed. The fee for a grading permit shall be paid at the time of
9 issuance.
10

11 D. The fees for the application and the grading permit shall be established from
12 time to time by the city council.
13

14 **Sec. 15.20.140 State and federal permits and approvals.**
15

16 State and federal permits and approvals required for construction, modification,
17 enlargement, reconstruction and repair of marinas, community and private piers, mooring
18 piles, mooring, and dredging shall be obtained by the applicant and submitted to the
19 director of public works or harbor master, as a prerequisite to issuance of a city building,
20 mooring, grading or dredging permit. The applicant shall furnish to the director or harbor
21 master a certified copy of the plans with supporting data, showing approval of the plans by
22 state and federal agencies. If the application approved by the port wardens subsequently
23 is modified by state or federal agencies, it shall be resubmitted to the port wardens for
24 approval prior to issuance of any permit required by this title.
25

26 **Sec. 15.20.150 Permit expiration and nontransferability.**
27

28 A. A mooring permit issued by the harbor master is valid for work commenced
29 within a period of sixty (60) days from the issuance of the permit; otherwise, it is void.
30 Work permitted by a mooring permit shall be completed within three (3) months of the date
31 of issuance of the permit, unless an extension is granted by the port wardens for good
32 cause.
33

34 B. Moorings not in continuous use for more than sixty (60) consecutive days
35 during the period of May 1 to October 31 shall be automatically forfeited to the City.
36

37 C. No mooring permit is transferable without the approval of the harbor master.
38 A request for the transfer shall be submitted by the original applicant and the transferee
39 shall acknowledge acceptance of the conditions under which the original permit was
40 issued. Transfers may be approved between current mooring permit holders for the
41 purpose of relocation, but in no case shall a transfer be approved between a person who
42 has come up through the waiting list and holds a current permit, and a person who has not

1 and who does not hold a current permit.
2

3 **Sec. 15.20.160 Unlicensed or unauthorized structures.**

4 A. Any unlicensed mooring, mooring pile, floating wharf, or buoy found within
5 the waters, or any licensed mooring found in an area not authorized by the port wardens,
6 shall be posted with a notice requiring removal within seven days from the date of the
7 notice. Unless the unlicensed or unauthorized structure is removed or a permit is obtained
8 for it within the time required by the notice, the structure may be disconnected and
9 removed, in the discretion of the harbor master, and may be disposed of at the expense
10 of the owner.
11

12 B. Notwithstanding the provisions of section A above, any unlicensed mooring,
13 mooring pile, floating wharf, buoy or anchored vessel found restricting or blocking
14 navigation, or compromising the safety of others may be removed immediately by the
15 harbor master at the expense of the owner.
16

17 C. Violation of this section, in addition to any other authorized remedy, is a
18 municipal infraction and is subject to a fine of \$100. Each and every day that a violation
19 continues shall be deemed a separate offense.
20

21 **Sec. 15.20.170 Use permit--Required.**
22

23 A use permit is required for all structures installed in the waterways in the WME,
24 WMM, WMI, WMC, R3, R4 and R5 zoning districts and for all structures having three or
25 more slips in the R1A, R1B, R1, R2, C1 and C2 zoning districts. No occupancy or use shall
26 be made of these structures unless and until a use permit has been approved by the
27 planning and zoning director.
28

29 **Sec. 15.20.180 Use permit--Application.**
30

31
32 Written application for a use permit for any applicable structure situated, rebuilt,
33 modified, enlarged or constructed in the waterways shall be made at the same time as the
34 application for a building permit for the structure. A written request for issuance shall be
35 made to the planning and zoning director after completion of the work covered by the
36 building permit.
37

38 **Sec. 15.20.190 Use permit--Fee.**
39

40 The fee for a use permit shall be paid at the time of issuance of the permit. The
41 amount of the fee shall be determined, from time to time, by the city council, by resolution.
42

Sec. 15.12.200 Use permit--Violation.

A. A use permit authorizes both initial and continued occupancy and use of a structure in the waterways to which it applies, and may continue in effect so long as the structure and the use are in full conformity with all applicable regulations of this title and any requirement made pursuant to this title, or continues as a permitted nonconforming use.

B. The planning and zoning director shall investigate any alleged violation of this section, or any violation of this title with respect to the use of a structure installed in the waterways. The findings of the director shall be reported to the port wardens, who, after notice to the property owner and holder of the use permit, and a hearing held before the port wardens in accordance with this title, may revoke or suspend the use permit. A revoked permit is null and void, and a new use permit is required for the structure.

C. A structure installed in a waterway which does not have in force a valid use permit shall be removed from the waterway within fifteen days following written notice to the owner or posting of the notice on the structure if the owner is unknown. Unless removed or unless a use permit is obtained within the period, the harbor master may remove and dispose of the structure. The cost of removal and disposal shall be borne by the owner and shall be collected in the same manner as property taxes upon certification of the amount to the director of finance.

Sec. 15.20.210 Temporary permits.

A. Notwithstanding any other provisions of this title, the port wardens may issue temporary permits for the placement, erection or construction of floating wharfs and other structures within the waters, provided that:

1. The applicant for the temporary permit has a valid permit or letter of authorization for the proposed temporary structure or use from the U.S. Army Corps of Engineers and any other necessary federal or state agencies; and

2. The proposed temporary structure is to be placed in the waters for the time period set forth in the permit issued by the port wardens, which may not exceed sixty days.

B. The applicant for a temporary permit shall neither be required to secure any building, mooring, grading or use permit otherwise required by this title, nor submit the maps, site plans, and studies required by the title for the construction of fixed and permanent structures, but need only submit to the port wardens the same plans, drawings, and supporting materials submitted to the Army Corps of Engineers in order to secure the authorization of that agency. No hearing shall be required for the issuance of a temporary

1 permit by the port wardens.

2
3 **Chapter 15.22**
4 **Fire Protection**

5 **Sections:**

- 6 **15.22.00E Editor's note to Chapter 15.36.**
7 **15.22.010 NFPA standard compliance.**
8 **15.22.020 Identification sign--Plan.**
9 **15.22.030 Fire extinguishers.**

10
11 **Section 15.22.00E Editor's note to Chapter 15.36.**

12
13 * Editor's note: Section 2 of Ord. No. O-17-83, enacted July 11, 1983, added to the
14 prior code, as Section 9-54, the provisions set out in this chapter. Section 3 of that
15 ordinance, which did not specifically amend the prior code, provided as follows:
16

17 SECTION III: And be it further established and ordained by the mayor and aldermen
18 of the City of Annapolis that marinas, community piers and boatyards in existence upon
19 the effective date of this ordinance shall comply with all requirements hereof on or before
20 January 1, 1985. However, upon application filed on or before July 1, 1984, by an owner
21 or operator of such an existing marina, community pier or boatyard, the fire chief may
22 modify or vary the requirements of section 9-54 of the Code of the City of Annapolis (1969
23 Edition and Supplements) as enacted by this ordinance where the fire chief finds that strict
24 compliance with the provisions of section 9-54 will create or result in a particular hardship
25 or practical difficulty to the owner or operator of the marina, community pier or boatyard,
26 and where the modification or variance granted will be consistent with and not detrimental
27 to the intent and purposes of the requirements of section 9-54.
28

29 **Section 15.22.010 NFPA standard compliance.**

30
31 All marinas, community piers and boatyards on the shores and in the waterways
32 shall conform to the requirements of the National Fire Protection Association's standard
33 on marinas and boatyards, NFPA-303, for fire protection.
34

35 **Section 15.22.020 Identification sign--Plan.**

36
37 Each marina, community pier and boatyard with five or more boat slips or boats in
38 dry storage shall:
39

40 A. Maintain a pier identification sign at the end of each pier, and a site
41 identification sign at the entrance to each marina, community pier or boatyard, clearly
42 showing the location of each pier, dry boat storage area and internal passageway and road

1 to be used by emergency vehicles and fire fighting apparatus;

2
3 B. Maintain on file with the fire department a current site plan of the marina,
4 community pier or boatyard showing the location of all fire control equipment, and each
5 fence and designated fire lane as required by this chapter.
6

7 **Section 15.22.030 Fire extinguishers.**

8
9 Notwithstanding the provisions of Section 15.36.010, one unit of portable fire
10 extinguisher, class A-B-C, containing not less than one hundred pounds of extinguishing
11 agent and not less than fifty feet of hose, may be provided in lieu of fire hydrants and
12 standpipes for each one hundred, or fraction of one hundred, boat slips and dry boats
13 stored in uncovered slips and storage areas which are in existence on July 11, 1983, and
14 which are located in a marina, community pier or boatyard with five or more boat slips or
15 boats in dry storage.
16

17 **Division IV. Enforcement**

18
19 **Chapter 15.24**
20 **Enforcement**

21 **Sections:**

- 22 **15.24.010 Additional enforcement responsibility generally.**
23 **15.24.020 Harbor master's enforcement patrols.**
24 **15.24.030 Violation--Construction noncompliance.**
25 **15.24.040 Violation--Infraction.**
26 **15.24.050 Compliance.**
27

28 **Sec. 15.24.010 Additional enforcement responsibility generally.**

29
30 In addition to the harbor master and members of the City police department the
31 department of public works, and the fire department shall enforce certain provisions of this
32 title. The department of public works shall enforce those sections relating to structures and
33 the issuance of permits therefor. The fire department shall enforce those sections relating
34 to fire protection.
35

36 **Sec. 15.24.020 Harbor master's enforcement patrols.**

37
38 The harbor master shall maintain a patrol vessel which shall be used for the
39 enforcement of the provisions of this Title and may carry appropriate and legal markings,
40 lights and signals.
41

42 **Sec. 15.24.030 Violation--Construction noncompliance.**

1 If a person violates any provision of this title, or erects any structure regulated by
2 this title in a different form or of different materials than permitted by the port wardens, that
3 person is in violation of applicable provisions of this title.
4

5 **Sec. 15.24.040 Violation--Infraction.**
6

7 Except as otherwise provided, a person who violates any section of this title is guilty
8 of a municipal infraction and is subject to a fine of one hundred dollars (\$100). Each day
9 that a violation occurs shall be deemed a separate offense.
10

11 **Sec. 15.24.050 Compliance.**
12

13 A person may not wilfully fail or refuse to comply with any lawful or reasonable order
14 or direction of the harbor master, any police officer or any law enforcement officer in
15 connection with the enforcement of any provisions of this title.
16

17 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
18 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its
19 passage.
20

21 **ADOPTED** this 10th day of February, 2003.
22

23 **ATTEST:**
24

THE ANNAPOLIS CITY COUNCIL

25
26
27 Deborah Heinbuch, CMC/AAE
28 **City Clerk**

BY: ELLEN O. MOYER, MAYOR